

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSICA L. ASHBY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C18-1655-JCC

ORDER

This matter comes before the Court on the Government's motion to seal (Dkt. No. 12) two exhibits (Dkt. No. 13) filed in support of its response (Dkt. No. 11) to Petitioner's 28 U.S.C. § 2255 petition (Dkt. No. 1). The Court hereby GRANTS the motion (Dkt. No. 12) for the reasons explained herein.

The Court starts from the position that "[t]here is a strong presumption of public access to [its] files." W.D. Wash. Local Civ. R. 5(g). This presumption applies particularly to "dispositive pleadings." *Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). To overcome this presumption, there must be a "compelling reason" for sealing that is "sufficient to outweigh the public's interest in disclosure." *Id.* The Government seeks to maintain two exhibits under seal: (1) a declaration and accompanying attachments made by Petitioner's trial counsel regarding their communications in the underlying criminal case, and (2) a document containing some of Petitioner's medical history. (Dkt. Nos. 12, 13.) The Government states that these

1 exhibits contain sensitive and confidential information that should be withheld from the public.
2 (Dkt. No. 12.)

3 Petitioner's trial counsel made the subject declaration after the Court ordered a limited
4 waiver of the attorney-client privilege in order to assess Petitioner's claim for ineffective
5 assistance of counsel. (*See* Dkt. No. 10.) The declaration provides a detailed account of attorney-
6 client communications. (*See* Dkt. No. 13.) The confidentiality of those communications
7 represents a compelling reason to maintain the declaration under seal, which outweighs the
8 public's right to access. Further, there is compelling reason to seal Petitioner's medical
9 information, as it is sensitive and private, and there is little public interest in its disclosure. (*See*
10 *id.*) Therefore, the Government has demonstrated a compelling reason to seal the documents that
11 outweighs the public's interest in their disclosure.

12 For the foregoing reasons, the Government's motion to seal (Dkt. No. 12) is
13 GRANTED. The Clerk is DIRECTED to maintain Docket Number 13 under seal.

14 DATED this 26th day of March 2019.

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18 John C. Coughenour
19 UNITED STATES DISTRICT JUDGE
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